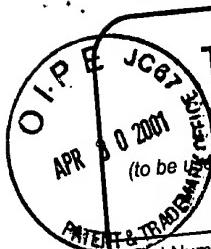


Please type a plus sign (+) inside this box → +

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#4



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number	09/301,380
Filing Date	April 27, 1999
First Name & Inventor	Murphy, Gerald , et. al.
Group Art Unit	1643
Examiner Name	Not assigned
Attorney Docket Number	20093A002100

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MAY 02 2001

OFFICE OF PETITIONS

ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Response
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):
Petition to Revive Unintentionally Abandoned Application; Notice to File Missing Parts (copy); Return Receipt Postcard

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Customer No. 20,350

Reg No. 32,928

Firm and Individual name

Townsend and Townsend and Crew LLP

Brian W. Poor

Signature

Brian W. Poor

Date

25 April 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

4/25/01

Typed or printed name

Jennifer M. Smolen

Date

4/25/01

Signature

Jennifer M. Smolen

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
SE 5008025 v1

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FEE TRANSMITTAL for FY 2001

APR 30 2001

Patent fees are subject to annual revision.

AMOUNT OF PAYMENT

(\$ 815)

RECEIVED

MAY 02 2001

METHOD OF PAYMENT	
1. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
Deposit Account Number	20-1430
Deposit Account Name	Townsend and Townsend and Crew LLP

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large	Entity	Small	Entity		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES

Total Claims	-20**	=	X	Fee from below	Fee Paid
Independent Claims	-3**	=	X		
Multiple Dependent			X		

Large	Entity	Small	Entity		Fee Description	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description		
103	18	203	9	Claims in excess of 20		
102	80	202	40	Independent claims in excess of 3		
104	270	204	135	Multiple dependent claim, if not paid		
109	80	209	40	** Reissue independent claims over original patent		
110	18	210	9	** Reissue claims in excess of 20 and over original patent		

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

Complete If Known	
Application Number	09/301,380
Filing Date	April 27, 1999
First Named Inventor	Murphy, Gerald , et. al.
Examiner Name	Not assigned
Group Art Unit	1643
Attorney Docket No.	20093A002100

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Large	Entity	Small	Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	620
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
				Other fee (specify) Missing Parts Surcharge; Late Declaration	195

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 815)

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Brian W. Poor	Registration No. (Attorney/Agent)	32,928
Signature	<i>Brian W. Poor</i>		Telephone

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SE 5008028 v1

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United States Postal Service as First Class Mail in an envelope
addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231
on April 25, 2001

By: J. Molin

PATENT

Attorney Docket No. 20093A-002100US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Gerald P. Murphy, et al.

Application No.: 09/301,380

Filed: April 27, 1999

For: NR-CAM GENE, NUCLEIC
ACIDS AND NUCLEIC ACID
PRODUCTS FOR THERAPEUTIC
AND DIAGNOSTIC USES FOR
TUMORS

Examiner: Unassigned

Art Unit: 1643

**RESPONSE TO NOTICE
TO FILE MISSING PARTS**

Assistant Commissioner for Patents
Washington, D.C. 20231

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MAY 02 2001
OFFICE OF PETITIONS

Dear Sir:

In response to the Notice to File Missing Parts of Application dated July 30, 1999,
enclosed herewith are the following to be made of record in the above-identified patent
application:

- (1) Petition to Revive Unintentionally Abandoned Application;
- (2) Executed Declaration and Power of Attorney;
- (3) Revocation and Substitution of Power of Attorney;
- (4) Change of Correspondence Address; and
- (4) Copy of the Notice to File Missing Parts

The Commissioner is hereby authorized to charge the following fees:

Missing Parts Surcharge.....\$130.00

PATENT

Gerald P. Murphy, et al.
Application No.: 09/301,380
Page 2

and any additional fees under 37 CFR §1.17 associated with this paper or during the pendency of this application, to Townsend and Townsend and Crew Deposit Account No. 20-1430. Two copies of this sheet are enclosed for accounting purposes.

Respectfully submitted,

By: Brian W. Poor
Brian W. Poor
Reg. No. 32,928

Dated: 25 April 2001

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
(206) 467-9600

RECEIVED
MAY 02 2001
OFFICE OF PETITIONS



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

5

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
--------------------	---------------------	-----------------------	--------------------------

09/301,380 04/27/99 MURPHY G 8511-021-999

020583 0262/0730
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

NOT ASSIGNED

1643

DATE MAILED:

07/30/99

Oath/Decl. + fees - 9/30/99 (EM)

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of Items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

small entity (statement filed) non-small entity is \$ 130.00.

1. The statutory basic filing fee is:

- missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due. OFFICE OF PETITIONS

3. The oath or declaration:

- is missing or unsigned.
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

T. Wilson
Customer Service Center
Initial Patent Examination Division (703) 308-1202

A copy of this notice MUST be returned with the reply.

05/01/2001 SLUANG1 00000019 201430 09301380 02 FC:105 130.00 CH AUG 02 1999

REFERRED TO Baldwin
REC'D.

Pennie & Edmonds
O.K. for filing

U.S. GPO: 1998-446-624